

REGULATIONS ADOPTED, AMENDED OR REPEALED
DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)
January 1999 – November 2003

**R-93-08 Standards for the Control of Nonbiodegradable Sorbent Material
Disposal Overhaul of Air Emissions Standards**

Effective: 3/17/99

Description: Revisions fit into three categories. The first category incorporates changes in Federal law, primarily in the area of waste and hazardous waste identification. The second category of change corrects two errors from previous rulemakings. The third category is a substantive change to the non-Resource Conservation and Recovery Act (non-RCRA) testing and analysis methods to make them consistent with changes to the RCRA testing and analysis methods.

Impact on Businesses: Most of the revisions were required for federal conformity. Replacing the outdated list of non-RCRA testing and analytical methods is expected to have a small, unknown, positive effect, since the revisions give businesses access to updated, more automated, and more efficient testing methods.

Authority: Health and Safety Code sections 25150, 25159, 58004 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

**R-95-01 Overhaul of Air Emissions Standards (Maintenance of Federal
Authority)¹ (Section 100)**

Effective: 6/11/99

Description: Changes without regulatory effect to conform with federal changes in air emission standards for volatile organic compounds from hazardous waste facilities (Title 40, Code of Federal Regulations, Part 264, *et al*).

R-96-01 Private Site Management Performance Standards

Effective: 4/25/03

Description: Implemented a potentially lower-cost option for site cleanup by establishing performance standards for private site managers and private site management team members, a voluntary program created by Assembly Bill No. 1876 (Stats. 1995, ch. 820). This program allows selection of a private site manager, limited State involvement at a low-threat hazardous substance release site, and allows sites to obtain a State designation that no further action is required.

Impact on Businesses: The regulations provide businesses with a potentially lower-cost voluntary option for site cleanup and certification.

Authority: Sections 25351.5 and 25395.15 of the Health and Safety Code.

Conformity: This regulation meets the requirements of Government Code section

¹ DTSC is authorized to operate a hazardous waste program in lieu of the U.S. Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA). Health and Safety Code section 25159 requires DTSC to adopt and revise regulations necessary to maintain RCRA authorization. Section 25159.1 deems such regulations to be nonsubstantive under California Code of Regulations, title 1, section 100. Nonsubstantive regulations meeting the requirements of California Code of Regulations, title 1, section 100, by definition, cannot impact businesses; therefore, additional information required by EO S-2-03 has not been included here. Any cost impacts of such regulations would be attributable to Health and Safety Code section 25159, which requires DTSC to adopt and revise regulations necessary to maintain RCRA authorization, not to the rulemaking. DTSC presents all section 100 authority rulemakings in abbreviated form.

11349.1 as approved by OAL on 3/26/2003.

R-96-10 Permit Modifications for Non-RCRA Activities

Effective: 5/4/02

Description: Regulations simplified procedural requirements for permit modifications to facilitate installation of equipment needed to meet new environmental standards.

Impacts on Businesses: Minor savings. Regulations mostly “step down” current permit modification classifications; e.g., an existing Class 2 modification could be “stepped down” to a lower cost class. The largest potential savings would be \$159,462 for a Class 3 permit modification at a large land disposal facility affecting multiple units “stepped down” to a Class 2.

Authority: Health and Safety Code sections 208, 25150 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 4/4/2002.

R-96-51 Hazardous Waste Truck Washes

Effective: 11/19/00

Description: Clarifies the regulation of residues of hazardous waste remaining in hazardous waste transport vehicles or bulk containers after delivery of loads of hazardous waste to designated treatment, storage, and disposal facilities by establishing management standards that allow transporters to know when their trucks or containers are empty.

Potential Impact on Businesses: Reduced the costs to businesses of removing residual quantities of hazardous waste from hazardous waste transport vehicles or bulk containers, removed conflict between state and federal regulations, and reduces the number of manifests required.

Authority: Health and Safety Code sections 208, 25150, and 25159.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 10/19/2000.

R-96-57 Transportable Treatment Unit

Effective: 6/13/01

Description: These regulations provided regulatory relief by allowing specified Transportable Treatment Unit (TTU) activities to be authorized under the Standardized Permit (rather than the Full Permit) at reduced management costs and fees.

Impacts on Businesses: The regulations provided savings to affected industries that had fully-permitted TTU units. Activity fees for a TTU Full non-RCRA Permit range from \$16,674 for a small treatment facility to \$76,951 for a large treatment facility. Activity fees for a TTU Standardized Permit range from \$5,449 to \$32,748, a savings of \$11,225 for a small facility and \$44,203 for a large facility.

Authority: Health and Safety Code sections 25150, 25201.6, and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 5/14/2001.

R-97-03 Title 22 Conformity Regulations

Effective: 4/11/00

Description: Conforms regulations to the provisions contained Chapter 778, Statutes of 1997 (AB 1357). This included transferring the Permit-by-Rule Fixed Treatment Unit notification and Household Hazardous Waste management to Certified Unified Program Agencies (CUPAs) and clarifying that DTSC maintains oversight for Transportable Treatment Units. This regulation package also conformed Title 22 regulations to those of Title 27, facilitating ease of use by the regulated community.

Impact on Business: Cost saving to businesses, since they will not be required to submit copies of their PBR notifications to both DTSC and CUPAs, but will instead submit such notification only to the CUPAs. Household Hazardous Waste Collection Facilities may save because the regulations require these facilities to continue to submit copies of notifications to DTSC and applicable CUPAs.

Authority: Sections 58012, 25150, 25200.2 and 25245 of Health and Safety Code.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 4/11/200.

R-97-08 Universal Waste Rule

Effective: 2/8/02

Description: These regulations streamlined the requirements for collecting and managing of common hazardous wastes by designating them as universal wastes. The waste streams included batteries, pesticides, thermostats, mercury-containing lamps, and cathode ray tubes (e.g., video monitors, televisions, etc.). Under these regulations, generators and transporters of universal wastes are exempt from hazardous waste manifesting requirements. Treatment, disposal, or recycling is still subject to applicable state and RCRA permit requirements. The regulations increased consistency with federal requirements, put into place the provisions of Chapter 575, statutes of 1996 (AB 1530), and simplified the regulatory requirements for generators and transporters, without significantly adding risk to human health or safety or the environment.

Impact on Business: Almost all businesses in California are impacted. Most will benefit from savings. Generators will not be required to hire hazardous waste transporters to transport their universal wastes; they will be able to self-transport their universal wastes. Transporters will also be able to transport universal wastes without possessing a hazardous waste transporter registration. Small businesses will benefit especially from the one-year accumulation time, since they would most likely generate universal waste at a lower rate than large businesses.

Authority: Health and Safety Code sections 25141, 25150, 25150.6, 25219.1 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 2/8/2002.

R-97-24 Assessment of Administrative Penalties

Effective: 8/27/01

Description: These regulations made specific the statutory requirement in Health and Safety Code section 25187(a)(4) to consider the following criteria when assessing administrative penalties: "...the nature, circumstances, extent, and gravity of the violation, the violator's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health or safety or the environment, the violator's ability to pay the proposed civil penalty, and the prophylactic effect that imposition of the proposed penalty would have on both the violator and the regulated community as a whole."

Impact on Business: These regulations have no impact on businesses because they put into regulation an approach that DTSC had been followed since 1987.

Authority: Health and Safety Code sections 25150 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 8/27/2001.

R-97-30 Research Lab Hazardous Waste Exemption

Effective: 6/2/99

Description: Exempted laboratories from complying with the Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14) documentation requirements for non-routinely generated hazardous and extremely hazardous waste streams associated with laboratory scale research activities.

Impact on Businesses: The economic and fiscal impact associated with the adoption of these regulations for business, local government, state government, and federal funding is estimated at zero.

Authority: Sections 25150, 25244.15 and 58012 of the Health and Safety Code.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 5/3/99.

R-98-18 Land Disposal Restrictions (Section 100)

Effective: 6/4/99

Description: Adopted US EPA's revisions to the land disposal restrictions and were necessary for the state to maintain authorization to administer a state hazardous waste program in lieu of the federal program.

R-98-34 Amendment to the Lists of RCRA Hazardous Waste (Section 100)

Effective: 5/18/99

Description: Clarified the status of the affected listed hazardous wastes in California to allow ease of interpretation for federally listed hazardous wastes.

R-99-06 Waste Minimization (Section 100)

Effective: 3/10/99

Description: Eliminated a regulatory provision related to the Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14) which is no longer supported by statutory authority.

R-99-12 Liability Coverage for Silver Recovery (Section 100)

Effective: 11/15/99

Description: Conformed regulatory provisions with statutory changes mandated by Chapter 309, Statutes of 1998 (SB 2111) by allowing facilities with “silver-only” hazardous wastes to operate without liability coverage.

R-99-15 Recyclable Hazardous Waste

Effective: 7/12/03

Description: Statutes of 1999, chapter 745 (SB 606) amended California Health and Safety Code section 25175 to require DTSC to “prepare and adopt, by regulation, a list, on or before January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list of specified hazardous wastes that DTSC finds are economically and technologically feasible to recycle” These regulations updated the list, which was enacted in 1979, to comply with the statutory mandate.

Impacts on Businesses: DTSC does not anticipate any cost impacts.

Authority: Health and Safety Code sections 25150 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 6/12/2003.

R-99-17 Land Use Covenants

Effective: 4/19/2003

Description: This regulation requires DTSC to clearly set forth land use covenants in a remedy selection or response action decision document prior to approving or concurring with a facility closure, corrective action, Removal Action Workplan, Remedial Action Plan, or other similar document, thus allowing contamination to remain at the property at levels not suitable for unrestricted use.

Impacts on Businesses: Provides businesses with a less expensive option.

Authority: Health and Safety Code sections 25150 and 25351.5.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/20/2003.

R-00-01 Land Disposal Restrictions (Section 100)

Effective: 9/11/00

Description: Conforms to Chapter 638, Statutes of 1995 (SB 1222) requirements, which adopted U.S. EPA’s regulations and revisions on land disposal restrictions.

R-00-03 Architectural & Engineering Services

Effective: 12/23/02

Description: Brings DTSC's administration of architectural and engineering (A&E) and site cleanup contracts into compliance with Government Code section 4526 and provisions governing the expenditure of monies allocated to the State under the Health and Safety Code section 25351.5.

Impact on Business: No cost on businesses.

Authority: Government Code section 4526.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-00-05 Air Emission Standards (Section 100)

Effective: 8/3/00

Description: Conform with newly enacted federal regulations that apply to owners or operators of hazardous waste transfer, treatment, storage, and disposal facilities, and generators who handle organic wastes, as well as recyclers who store organics prior to treatment.

R-00-08 Groundwater Remediation Loan Program

Effective: 4/8/02

Description: These regulations set up a voluntary loan program for local agencies under Water Code, section 79133.

Impact on Business: None.

Authority: Health and Safety Code sections 25150 and 25351.5, as well as Water Code section 79133.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-00-09 Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities

Effective: 1/30/02

Description: The regulations protect schoolchildren and employees by providing school districts with a Permit-by-Rule authorization alternative to the existing Standardized Permit authorization for offsite collection, consolidation, and accumulation of hazardous wastes generated by the routine operation and maintenance of K-12 schools. This allows them to move specified wastes from multiple school sites to a single facility without using hazardous waste manifests and registered transporters.

Impact on Business: Private schools and registered hazardous waste transporters are the only businesses potentially impacted economically. Since use of an accumulation facility is optional, only private schools that expect savings would be expected to use the provision. Registered hazardous waste transporters will lose a small amount of business.

Authority: Sections 25150, 25150.6, 25161, 25200, 25245, and 58012 of the Health and Safety Code.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-00-12 CLEAN Loan Program

Effective: 8/5/02

Description: Implements two loan programs to provide financing for cleanups on eligible properties.

Impact on Business: Voluntary program potentially lowers costs for cleanup loans.

Authority: Health and Safety Code sections 25150, 25351.5, 25395.29 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-01-06 Electronic Hazardous Waste

Effective: 2/3/03

Description: These regulations replaced emergency rules for cathode ray tubes (CRT), added consumer electronic devices to the list of universal wastes, and added a petition process for adding waste to the Universal Waste Rule. The regulations allow CRT materials and consumer electronic devices to be managed as universal waste when specified management practices are followed.

Impacts on Business: The regulations allow hazardous waste generators the choice to manage CRT materials and consumer electronic devices as universal wastes, instead of hazardous wastes. DTSC estimated there would be nonquantifiable costs incurred to manage CRT materials as universal waste and nonquantifiable savings incurred to manage consumer electronic devices as universal waste.

Authority: Health and Safety Code sections 25141, 25150, 25150.6, 25159 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-01-07 Scrap Metal (Section 100)

Effective: 4/11/02

Description: The amendments provide an exemption from the notification requirements for scrap metal that meets the definition of a hazardous waste falling under the Resource, Conservation and Recovery Act (RCRA).

R-02-01 Phase I Environmental Site Assessment

Effective: 2/10/03

Description: The regulations reduce the cost of new schools by establishing procedures for conducting Phase I Environmental Site Assessments and for the submission of sampling and analysis results for lead in soil from lead-based paint and/or polychlorinated biphenyls in soil from electrical transformers.

Impact on Business: Consolidated sampling and analysis may result in minor loss of

business but any such costs should be attributed to legislation, specifically the implementation of Senate Bill 162 (Stats. of 1999, ch. 1002) and Assembly Bill 387 (Stats. of 1999, ch. 992).

Authority: Health and Safety Code section 58012 and Education Code section 17210, subdivision (g).

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-02-04 Mercury Waste Classification and Management

Effective: 3/15/03

Description: These regulations created a list of four mercury-added product categories that are hazardous wastes when discarded. The listings include the mercury-containing light switches found in motor vehicle hoods and trunks, mercury-containing switches found in appliances, mercury-containing lamps (most significantly fluorescent bulbs), and mercury-containing novelty items such as jewelry and toys. The regulations also establish lower cost universal waste management standards for the newly-listed wastes and several other categories of discarded mercury-added products.

Impact on Business: Businesses switching from hazardous to universal waste management should observe lower costs and greater competitiveness. Generators of newly-listed wastes will observe minor cost increases, associated with managing those wastes as hazardous.

Authority: Health and Safety Code sections 25140, 25150, 25150.6, 25214.6 and 58012.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-02-06 Standardized Permit Facilities (Section 100)

Effective: 4/4/02

Description: The rulemaking amended 1993 regulations, applicable to standardized permit facilities, to be consistent with subsequent statutory and regulatory changes.

R-02-11 School Waste Lab Pack Consolidation

Effective: 9/23/03

Description: Reduces costs to school districts by allowing them, under specified conditions, to reopen and repackage science laboratory waste lab packs under Permit-by-Rule at Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities.

Impact on Business: This regulation allows K-12 school districts operating School Hazardous Waste Collection, Consolidation, and Accumulation Facilities to reopen science laboratory waste lab packs from individual schools, and consolidate and repackage the wastes to ensure the safe, efficient and economic management and transportation of the hazardous wastes. Schools are not required to utilize this option and will probably only do so if it reduces their costs for hazardous waste transportation

and disposal. Hazardous waste transporters will lose a small amount of business.

Authority: Health and Safety Code sections 25150 and 25200.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-03-02 Hazardous Wastes of Concern

Effective: 7/10/03

Description: Enacted emergency regulations governing the reporting of hazardous wastes of concern (those with potential use by terrorists) that are found to be “missing” or for which there are manifest discrepancies during transit.

Impact on Businesses: Any minimal cost to business would be directly attributable to the enactment of chapter 607, statutes of 2002 (SB 489, Romero).

Authority: California Health and Safety Code section 25169.8.

Conformity: This regulation meets the requirements of Government Code section 11349.1 as approved by OAL on 3/17/99.

R-03-04 Conflict of Interest Code (Section 100)

Effective: 6/10/03

Description: The Department of Toxic Substances Control (DTSC) amended its conflict of interest code to make nonsubstantive changes recommended by the Fair Political Practices Commission (FPPC) and to make the code current with DTSC’s existing organizational structure.

R-03-11 Financial Assurance (Section 100)

Effective: 10/22/03

Description: The regulations were needed for RCRA authorization to parallel federal regulations governing financial assurance requirements under the Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities and under Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (40 Code of Federal Regulations, parts 264 and 265, subpart H-Financial Requirements, respectively).